

## SIXTH DAY

(Monday, June 1, 1959)

The Senate met at 10:30 o'clock a.m. pursuant to adjournment, and was called to order by Senator Hardeman.

The roll was called and the following Senators were present:

Aikin	Lane
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Fly	Phillips
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Wood

## Absent—Excused

Dies	Ratliff
Fuller	Willis
Martin	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

"O Lord, Thou didst take Moses' rod, David's sling, and Dorcas' needle and make them immortal. Teach us now that Thou dost take the foolish things of this world to confound the mighty; and lead us by the narrow way of obedience and simple means to a knowledge of Thy will and way for this Senate, and the glory of Texas. For Christ's sake. Amen."

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, May 28, 1959 was dispensed with and the Journal was approved.

## Leaves of Absence

Senator Fuller was granted leave of absence for today on account of important business on motion of Senator Parkhouse.

Senator Dies was granted leave of absence for today on account of important business on motion of Senator Reagan.

Senator Ratliff was granted leave

of absence for today on account of illness in the family on motion of Senator Aikin.

Senator Martin was granted leave of absence for today on account of important business on motion of Senator Roberts.

Senator Willis was granted leave of absence for today on account of illness on motion of Senator Owen.

## Message from the House

Hall of the House of Representatives  
Austin, Texas,  
June 1, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 7, A bill to be entitled "An Act levying an additional occupation tax on the occupation or privilege of obtaining the production of Dedicated Gas as a Severance Beneficiary and on the business or occupation of producing such gas, to be known as the Severance Beneficiary Tax; providing for exceptions; establishing liability therefor; declaring public policy against requiring the producer to pay the tax levied by this Act under certain conditions; defining terms; providing for the collection, enforcement, payment, and administration thereof, and making an allocation for same; providing for the credit of excess taxes paid through error; providing for certain penalties and interest; providing for records and reports and computation of the tax, providing the powers, duties and authority of various State officers, authorizing injunctive relief, and fixing venue, providing for a prior lien on certain property and its enforcement for delinquent taxes, penalties and interest, providing for a percentage of taxes collected to be used for enforcement of this Act, authorizing suits for collection of all sums due, and fixing venue, providing that certain records, reports and audits shall be admissible in judicial proceedings and shall be prima facie evidence of the contents thereof, with certain limitations and the use and effects of such instruments as exhibits, providing for notice of change of ownership or control of leases; amending Section 1 (1), Chapter 2, Acts of the 53rd Legislature, 1st

Called Session, codified as Section 1 (1) of Article 7047b, VACS of Texas, amending Section 1, 2 and 6 of Article VI of House Bill No. 8, Acts of the Forty-seventh Legislature, Regular Session, 1941, Chapter 184, as last amended, increasing the tax levied on motor vehicles sold in this State and the use tax on motor vehicles purchased outside this State and brought into this State and changing the dates for transmitting money collected; amending subsection (a) of Section 1 of Chapter 241, Acts of the Forty-fourth Legislature, 1935, to define 'cigarette'; amending subsection (a) of Section 2½ of Chapter 241, Acts of the Forty-fourth Legislature, 1935, as added by Chapter 404, Acts of the Fifty-fourth Legislature, 1955, to increase the tax levied on cigarettes; amending Article 7060 of the Revised Civil Statutes of Texas, 1925, to increase the occupation tax on the gross receipts from gas, electric light, power and water works; repealing Article 7060½ of the Revised Civil Statutes of Texas, 1925; amending Article 7070 of the Revised Civil Statutes of Texas, 1925, to increase the occupation tax on the gross receipts from telephone and telegraph lines and other facilities; repealing Article 7059 and 7070a of the Revised Civil Statutes of Texas, 1925; amending Section 21 of Article I, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature as last amended, increasing the rate of the present distilled spirits tax; levying a tax upon the sale, consumption, handling, or distribution within this State of cigars and tobacco products; amending Section (1) of Article 7084 of the Revised Civil Statutes of Texas, 1925, as last amended by Section 1 of Article IV of Chapter 404, H. B. No. 660, Acts of the Fifty-fourth Legislature, Regular Session, 1955, relating to franchise taxes, prescribing the rate and the method and basis of computation and the computation of the tax, including an allocation factor; providing for the definition of 'taxable capital'; requiring additional information in the report of corporations required to pay the tax; authorizing the Secretary of State to make rules and regulations; making allocations of revenue derived from taxes levied in this Act; providing for appropriations; repealing laws in conflict; providing for severability;

and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

#### Senate Bill 5 on First Reading

By unanimous consent the following local bill was introduced, read first time and held for referral:

By Senator Parkhouse:

S. B. No. 5, A bill to be entitled "An Act relating to terms of office of school trustees in certain school districts; choosing terms by lots; providing for subsequent elections and filling of vacancies; providing that provisions of Act shall be cumulative; and declaring an emergency."

#### Senate Resolution 40

Senator Aikin offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Mr. and Mrs. Clifton Puckett, their son, Dwayne Puckett, and daughter, Teresa Puckett, from Mt. Vernon, Texas; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

#### At Ease

On motion of Senator Aikin and by unanimous consent the Senate at 10:35 o'clock a.m. agreed to stand At Ease for ten minutes.

#### In Legislative Session

The President called the Senate to order as in Legislative Session at 10:45 o'clock a.m.

#### Senate Bill 5 Referred

The President announced that S. B. No. 5 introduced today would be referred to the Committee on Education.

#### Message from the Governor

The following message received from the Governor today was read and was referred to the Committee on nominations:

Austin, Texas,  
June 1, 1959.

To the Senate of the Fifty-sixth Legislature, First Called Session:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be members of the State Board of Medical Examiners, for six-year terms to expire April 13, 1965: Dr. M. H. Crabb of Fort Worth, Tarrant County; Dr. L. H. Denman of Lufkin, Angelina County; Dr. R. H. Peterson of Wichita Falls, Wichita County; Dr. Howard O. Smith of Marlin, Falls County.

Respectfully submitted,  
PRICE DANIEL,  
Governor of Texas.

#### Senate Resolution 41

Senator Gonzalez offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, the Explorer Scout Post No. 5 of San Antonio Alamo Council, accompanied by their leaders, L. B. Stephenson and W. C. Parker; and

Whereas, These young citizens of today are the citizens, leaders, and statesmen of tomorrow, who, with the acceptance of democracy's heritage, must carry on the responsibilities of self-government; and

Whereas, It is highly commendable that these young people are demonstrating, by their visit in the Senate, an interest in the processes of their state government; now, therefore, be it

Resolved, That we extend to these young citizens a cordial welcome; and that a copy of this resolution, bearing the official seal of the Senate, be sent to them in appreciation of their visit.

The resolution was read and was adopted.

Senator Gonzalez by unanimous consent presented the Scouts and their leaders to the Members of the Senate.

#### Senate Resolution 42

Senator Aikin offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Hershel Hanner, Joe Graham and Marvin Hagemeyer and Senator Howard Carney; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate, and the privileges of the floor for the day.

The resolution was read and was adopted.

Senator Aikin by unanimous consent presented the guests to the Members of the Senate.

The President requested former Senator Carney to come to the President's Rostrum and presented him to the Members of the Senate.

Senator Carney then addressed the Senate expressing appreciation for the privilege of again being present in the Senate.

#### House Bill on First Reading

The following bill received from the House, was read the first time and referred to the committee indicated:

H. B. No. 7, Referred to the Committee on State Affairs.

#### Senate Resolution 43

Senator Secrest offered the following resolution:

Whereas, We are honored today to have as a visitor in the Senate Dr. Bob Humphries of Waco, Texas; and

Whereas, We desire to welcome this distinguished visitor to the Capitol Building and Capital City; now, therefore, be it

Resolved, That his presence be recognized by the Senate of Texas and that he be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Secrest by unanimous consent presented Dr. Humphries to the Members of the Senate.

#### Adjournment

On motion of Senator Phillips the Senate at 10:55 o'clock a.m. adjourned until 10:30 o'clock a.m. tomorrow.